

Serial No. 10/792,050
60130-2045:02MRA0104**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-8 are currently pending and stand rejected. No new matter has been added.

§ 112 rejection

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More particularly, the Office Action asserted that the claimed interlocking fit created by pressure applied by the inner layer onto the outer skin is not shown in the figures and/or lacks support (pp. 2-3). Applicant respectfully disagrees.

Paragraph 24 and Figures 2 and 3 illustrate one way in which the interlocking fit is created by pressure applied by the inner layer 30 onto the outer skin 10, where the pressure from the inner layer 30 deforms the outer skin 10 at the recess 12 against the second car body part 22. Another embodiment is shown in Figures 4 and 5 and described in the specification at paragraph 28. Figure 4 also shows how the pressure P caused by foaming of the inner layer 30 deforms the outer skin 10 at the recess 112 against the second car body part 122. Thus, the specification and claims provide ample support for the subject matter in claim 3, and withdrawal of the rejection is respectfully requested.

§ 102 rejection

Claims 1-3, 5-6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,792,180 to Jacobsen et al. ("Jacobsen"). Applicant respectfully traverses this rejection.

The Office Action asserted that Jacobsen discloses an inner layer 56. Applicant respectfully disagrees. Independent claim 1 recites a car body part having an outer skin and an inner layer. In other words, the inner layer of the car body part is closer to the interior of the car than the outer skin. The vinyl tape 56 shown in Jacobsen cannot be considered an inner layer of a car body part because it is neither a layer attached to an outer skin (e.g., roof panel 12 and sail portion 16) nor is it closer to the car interior than the roof panel 12 or sail portion 16. Instead, as clearly shown in Figure 2, the vinyl tape 56 is a discrete component (i.e., not a part of any car

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body panel) attached to the exterior surface of the roof panel 12. Thus, the vinyl tape 56 cannot be considered a component of a car body part or an inner layer.

Moreover, the vinyl tape 56 shown in Jacobsen is not foamed plastic. The cross section shown in Figure 2 clearly shows that the vinyl tape 56 is a solid adhesive component (col. 2, lines 54-57). Nothing in Jacobsen remotely suggests that the vinyl tape 56 can be made of foamed plastic. Moreover, with respect to claim 3, there is no way that a vinyl tape 56 can apply any pressure to the roof panel 12 or sail portion 16 so that it deforms. Jacobsen merely states that the vinyl tape adhesive 56 attaches a molding 42 to a gap 36 between the roof panel 12 and the sail portion 16 (col. 2, lines 54-63). Thus, the vinyl tape 56 merely acts like any other adhesive, without pressure-application properties of any kind.

Because Jacobson fails to show a car body part having an outer skin and an inner layer made of foamed plastic, Jacobsen fails to anticipate claims 1-3, 5-6 and 8. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejection

Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobsen in view of ordinary skill in the art. Applicant respectfully traverses this rejection. The Office Action asserted that it would have been obvious to reinforce the inner layer with glass fiber. Applicant respectfully disagrees. There is no motivation to reinforce the vinyl tape 56 of Jacobsen with glass fibers because the tape 56 provides an adhesive function, not a structural function. Thus, any attempts to improve the performance of the vinyl tape will be focused on improving its adhesion abilities, not the strength of the tape material itself. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 4 and 7, and withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized

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to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,




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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on September 20, 2004.


Beth A Beard